UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA

CELGENE CORPORATION, **Plaintiff,** **v.** **MYLAN PHARMACEUTICALS INC., MYLAN INC., AND MYLAN N.V.** **Defendants.**	**Civil Action No. 20-00003**

CONSENT JUDGMENT

Plaintiff Celgene Corporation ("Celgene") and Defendants Mylan Pharmaceuticals Inc., Mylan Inc., and Mylan N.V. (collectively, "Mylan"), the parties in the above-captioned action, hereby stipulate and consent to entry of judgment and an injunction in this action as follows:

IT IS this 23rd day of July, 2021: ORDERED,

ADJUDGED, AND DECREED as follows:

1. This Court has jurisdiction over the subject matter of the above action and has personal jurisdiction over the parties for purposes of this action only, including as set forth below in Paragraph 6 of this Consent Judgement.

2. As used in this Consent Judgment, the term "Mylan ANDA Product" shall mean a drug product manufactured, imported, sold, offered for sale, marketed, or distributed pursuant to Abbreviated New Drug Application No. 213912 in or for the United States of America, including its territories, possessions, and the Commonwealth of Puerto Rico.

3. As used in this Consent Judgment, the term "Patents-in-Suit" shall mean U.S. Patent Nos. 7,189,740; 7,465,800; 7,968,569; 8,404,717; 8,530,498; 8,648,095; 9,056,120; 9,101,621; 9,101,622; 7,977,357; 8,193,219; and 8,431,598.

4. Until expiration of the Patents-in-Suit, Mylan, including any of its successors and assigns, is enjoined from infringing the Patents-in-Suit, on its own part or through any third party on its behalf, by making, having made, using, selling, offering to sell, importing, or distributing of the Mylan ANDA Product in or for the United States of America, including its territories, possessions, and the Commonwealth of Puerto Rico, unless and to the extent otherwise specifically authorized by Celgene, and is further enjoined from assisting or cooperating with any third parties in connection with any infringement of the Patents-in-Suit by any such third parties in connection with making, having made, using, selling, offering to sell, importing, or distributing of any lenalidomide-containing drug product that references New Drug Application 21-880 in or for the United States of America, including its territories, possessions, and the Commonwealth of Puerto Rico, unless and to the extent otherwise specifically authorized by Celgene.

5. Compliance with this Consent Judgment may be enforced by Celgene and its respective successors in interest or assigns.

6. This Court retains jurisdiction to enforce the terms of this Consent Judgment and to enforce and resolve any disputes related thereto.

7. All claims, counterclaims, affirmative defenses, and demands in this action that relate to Mylan are hereby dismissed with prejudice and without costs, disbursements, or attorneys' fees to any party.

8. Nothing herein prohibits or is intended to prohibit Mylan from maintaining any "Paragraph IV Certification" pursuant to 21 U.S.C. § 355(j)(2)(A)(vii)(IV) or pursuant to 21 C.F.R. § 314.94(a)(12) with respect to the Patents-in-Suit or any other patent listed in FDA's Orange Book in connection with Revlimid®.

9. Nothing herein restricts or is intended to restrict the U.S. Food and Drug Administration from approving Abbreviated New Drug Application No. 213912 or the Mylan ANDA Product.

Irene M. Keeley

Hon. Irene M. Keeley, U.S.D.J.

We hereby consent to the form and entry of this Judgment:

Dated: July 21, 2021

By: /s/Chad L. Taylor
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